Supreme Court, U.S.
FILED

0213,00 MAR 3 2003
No.

OFFICE OF THE CLERK

In The

Supreme Court of the United States

LINDSEY K. SPRINGER

Petitioner,

-against-.

FRANCIS J. LORSON, Individually

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

PETITION FOR WRIT OF CERTIORARI

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33 pp

QUESTIONS PRESENTED

1 Whether the term Counsel contained within the Judicial Act of 1789, the Sixth Amendment and pursuant to 28 U.S.C. § 1654, means something other than licenced Attorney at Law.

2 With the Circuit Courts being divided as to the legal meaning of the term "Counsel," as that term appears in the Sixth Amendment, whether this Court should settle the question once and for all?

3 Whether Petitioner has any available legal judicial remedy against Mr. Lorson alleging he acted outside of his official power and duty and under color of legal authority as Chief Deputy Clerk of the Supreme Court of the United States?

4 Whether this Writ should be granted to identify what the legal recourse is for a person wronged by a deputy clerk of the Supreme Court when sued for actions taken outside his official power and duty and under color of legal authority?

5 Whether Petitioner has a right to access this court according to the Sixth Amendment?

6 If Petitioner is in a position to help a Indigent Criminal Defendant and can demonstrate said Crimina! Defendant would be better off with Counsel from Petitioner, rather than acting as his own Counsel, and the accused is unwilling to place his future liberty interests in the hands of the Public Defender's Office, doesn't the Sixth Amendment counsel provision both allow a Criminal Defendant to pick who he chuses for his Counsel, other than a licenced Attorney, as well as allow Petitioner to be considered qualified as Counsel if the aforementioned is satisfied? See *United States v. Whitesel*, 543 F.2d 1176, 1179-1180 (6th Cir. 1976)

PARTIES TO THE PROCEEDING

There were no other parties to the proceedings before the District Court or the Court of Appeals.

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Reasons for Granting the Writ

I This Court should settle once and for all that the inherent meaning of the term "Counsel" as contained within the Judicial Act of 1789, the Sixth Amendment and 28 U.S.C. § 1654 means something other than licenced attorney at law. 6

II This writ is warranted because the Circuit Court's are divided as to the legal meaning of the term "Counsel" as that term appears in the Judicial Act of 1789, the Sixth Amendment and 28 U.S.C. § 1654. 9

III This Petition should be Granted because both the District Court and Court of Appeals determined that Petitioner has no other remedy against Mr. Lorson accept in the Supreme Court of the United States as to the meaning of the term "Counsel" 10

IV This Writ should be Granted to identify what the legal recourse is for a person wronged by a deputy Clerk of the Supreme Court when sued for actions taken outside his official duty and under color of legal authority. 11

V Petitioner has a right to access this Court according to the Sixth Amendment and Mr. Lorson purposefully and under color of legal authority decided otherwise. 15

VI This Court should decide that when Petitioner is in a position to help a Criminal Defendant and can demonstrate that said accused would be better off

with counsel from Petitioner, rather than said Defendant acting as his own Counsel, and when he is unwilling to place his future liberty interests in the hands of the public defender's office, the Sixth Amendment Counsel provision mandated a Criminal Defendant has a right to pick who he chuses for his Counsel, other than a licenced Attorney at Law as well as allows Petitioner to be considered qualified as Counsel along with said Defendant if the aforementioned is satisfied.
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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2002

LINDSEY K. SPRINGER,

Petitioner,

vs.

FRANCIS J. LORSON, Individually

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

PETITION FOR WRIT OF CERTIORARI

Petitioner, Lindsey K. Springer, respectfully requests that a writ of certiorari be issued to review the judgment of the United States Court of Appeals for the District of Columbia affirming the United States District Court for the District of Columbia's dismissal of Petitioner's Complaint for lack of subject matter jurisdiction.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the District of Columbia dated September 20, 2002, begins at Appendix

1a;

The order denying Petition for Rehearing dated December 4, 2002, begins at Appendix 2a;

The order of the United States District Court for the District of Columbia dated August 30, 2002, dismissing for lack of jurisdiction begins at Appendix 3a;

The Memorandum issued by the United States District Court for the District of Columbia dated August 30, 2002, begins at Appendix 4a.

STATEMENT OF JURISDICTION

The judgment of the United States Court of Appeals for the District of Columbia ("Court of Appeals") denying Petitioner's petition for a panel rehearing and a petition for rehearing en banc was entered on December 4, 2002. The Jurisdiction of this Court is according to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution provides in relevant part: "No person shall... be deprived of ... property without due process of law..."

The Sixth Amendment to the United States Constitution provides in relevant part: "In all criminal prosecutions, the accused shall .... have the Assistance of Counsel for his defense."

The Judicial Act of 1789, Ch. 20, § 35, 1 Stat. 92 which was adopted by Congress almost contemporaneously with its proposal of the Sixth Amendment reads:

> "Sec. 35. And be it further enacted, That in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein."

Congress took to codify section 35 at 28 U.S.C. § 1654. It provides:

> "In all Courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."

Title 42, Section 1983 reads:

> "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

On September 8, 1999, Petitioner was the subject of a request raised by a criminal defendant in United States of America, v. Bonnie Oestreich ("accused"), Southern District of Illinois, # 99-CR-40021, wherein the accused was given a public defender to which refused to represent the facts and defense as the accused desired. This case

involved federal income tax laws in part and good faith formed the basis of the defense.

The District Court was orally requested to allow Petitioner to assist at the table of the accused as sixth amendment "counsel" wherein the District Court refused claiming that "..It may sound a little facetious, too, that if that was the law, then Mr. Barringer and the attorneys would be out of business. Why would you need attorneys to practice if you could get somebody to represent you that was not an attorney?"

The District Court decided that since Petitioner was not a licenced Attorney, the ***Law*** forbid Petitioner from assisting as Counsel simply because that would put licenced Attorney's out of business.

A. Procedures conducted at the Supreme Court.

On November 3, 1999, after Petitioner obtained from Dee Shore a "Application for Admission," Petitioner submitted a request for approval to be accepted under the Sixth Amendment as "counsel" before this Supreme Court of the United States.

On November 15, 1999, after Dee Shore informed Petitioner that Petitioner's Application got lost somewhere between the Admissions Office and the Mail Room, Petitioner submitted a fax copy of what had been received by the Supreme Court on November 4, 1999, as per Dee Shore's request.

On this same day, some unknown person mailed a letter to Petitioner claiming deficiencies regarding the fax sent to Dee Shore.

1. Petitioned Supreme Court for Reconsideration.

On December 3, 1999, Petitioner "Petitioned" the Supreme Court for reconsideration of the November 15, 1999 Notice of Deficiency signed by no one.

On December 7, 1999, Petitioner received by U.S. Mail a letter signed by Francis J. Lorson, purportedly on behalf of the Clerk, William K. Suter, claiming Petitioner had "no right to repesent, or be of assistance, to another person in a court of the United States since you are not a member of the Bar of any Court." ***App. 6a***

2.Filed Extraordinary Writ with Supreme Court but was refused.

On March 16, 2000, Petitioner filed a Petition for "Extraordinary Writ of Mandamus/Prohibition" with the Supreme Court mailed by U.S. Express Mail Number EK237493352US seeking the Supreme Court to review the decision of Francis J. Lorson and direct him to remove himself from the process Petitioner was seeking.

On or about March 20, 2000, Petitioner was notified that the Clerk's Office was unwilling to docket Petitioner's Extraordinary Writ and that Petitioner would need to seek relief in the United States District Court first. Petitioner received all 40 copies returned.

B. Commenced action in the United States District Court.

On August 16, 2000, Petitioner commenced the action herein seeking the District Court to direct that Petitioner was qualified to be considered as "counsel," as that term is defined under the Judicial Act of 1789; and as that term is used and intended under the Sixth Amendment; and as that term appears in 28 U.S.C. § 1654.

1. Mr. Lorson Defaulted.

Petitioner obtained an order of Default against Mr. Lorson, to which the District Court ordered show cause proceedings.

C. The Decision of the District Court.

The District Court set aside the Default and on August 30, 2002, some 18 months after commencement of this action, the District Court dismissed Petitioner's Complaint claiming that "The Supreme Court's supervisory power over its Clerk is exclusive to the Supreme Court..." **App. 4a-5a**

D. The Decision of the Court of Appeals.

Petitioner appealed this decision and on September 20, 2002, the D.C. Court of Appeals affirmed the District Court claiming that "The merits of the parties position are so clear as to warrant summary action." **App. 1a**

Petitioner petitioned for rehearing and rehearing en banc and on December 4, 2002, the Petition was denied by the D.C. Court of Appeals. **App. 2a**

So, Petitioner started with Supreme Court rules dealing with the Clerk's Office of the Supreme Court of the United States and was refused to file any Petition with the Court at that time. Now, all other Courts have refused to address the issue claiming that it is only the Supreme Court who can direct its Clerk to obey the laws of the United States.

REASONS FOR GRANTING WRIT

I

THIS COURT SHOULD SETTLE ONCE AND FOR ALL THAT THE INHERENT MEANING OF THE TERM "COUNSEL" AS CONTAINED WITHIN THE JUDICIAL ACT OF 1789, THE SIXTH AMENDMENT AND 28 U.S.C. § 1654 MEANS SOMETHING OTHER THAN LICENCED ATTORNEY.

Assuming, as we do, that the Sixth Amendment was adopted to make constitutionally secure in criminal cases rights already existing in the recently adopted statute, two applicable principles emerge from construction of the "assistance of counsel" guaranteed by the Sixth Amendment. First, since in the statute the terms "counsel or attorneys at law" are employed alternatively, it seems probable that the proposers of the Sixth Amendment did not mean to limit representation exclusively to "attorneys at law." Second, the statute clearly provides for the rules of the courts of the United States to determine who shall "be permitted to manage and conduct causes therein." *United States v. Whitesel*, 543 F.2d 1176, 1179-1180 (6th

Cir. 1976)

Who can oppose the logic behind the Sixth Circuit? Petitioner believes that the Sixth Circuit, in playing politics as licenced Attorneys themselves, seemed to have it backwards. They should have said that "the Sixth Amendment did not mean to limit representation exclusively to Counsel."

However, between the term "or" in the Judicial Act of 1789 and the omission of the phrase "Attorney at Law" from the Sixth Amendment, as well as being absent in 28 U.S.C. § 1654, Mr. Lorson, in his letter, had it wrong according to present law.

Petitioners position is that the Sixth Amendment secured the right of any accused to have counsel of his choice and that such choices were to include persons other than licenced Attorney's at Law. In *Faretta v. California*, the Supreme Court found that:

> The colonists brought with them an appreciation of the virtues of self-reliance and a traditional distrust of lawyers. When the Colonies were first settled, "the lawyer was synonymous with the cringing Attorneys-General and Solicitors-General of the Crown and the arbitrary Justices of the King's Court, all bent on the conviction of those who opposed the King's prerogatives, and twisting the law to secure convictions." This prejudice gained strength in the Colonies where "distrust of lawyers became an institution." Several Colonies prohibited pleading for hire in the 17th century. The prejudice persisted into the 18th century as "the lower classes came to identify lawyers with the upper class." The years of Revolution and Confederation saw an upsurge of antilawyer sentiment, a "sudden revival, after the War of the Revolution of the old dislike and distrust of lawyers as a class." In the heat of these sentiments the Constitution was forged. *Faretta v. California*, 422 U.S. 806, 826-27, 95 S.Ct. 2525, 2537, 45 L.Ed.2d 562 (1975). (Footnotes omitted.)

In the heat of these sentiments the Constitution was forged. What sentiments? Distrust for lawyers as a class! Isn't this why Congress included "Attorneys at Law" in the Judicial Act yet the Union States rejected them in adopting the Sixth Amendment. No colonist was going to agree to be limited to only being assisted by a licenced Attorney at Law who could be influenced by the license issuer.

The "counsel" provision supplements this design. It speaks of the "assistance" of counsel, and an assistant, however expert, is still an assistant. The language and spirit of the Sixth Amendment contemplate that counsel, like the other defense tools guaranteed by the Amendment, shall be an aid to a willing defendant. *Faretta*, 422 U.S @.820 (1975)

It has been long settled that in interpreting a statute, courts must first look to the language of the statute itself (The legislative intent of Congress is to be derived from the language and structure of the statute itself). *United States v. Lanier*, 520 U.S. 259, @ 272 (1997)

This is the plain meaning rule of statutory construction, as articulated by Justice Day more than a century ago in *Caminetti v. United States*, 242 U.S. 470, 485, 37 S.Ct 192, 194, 61 L. Ed. 442 (1917) declaring:

> It is elementary that the meaning of a statute must be sought in the language in which the act is framed, and if that is plain, ... the sole function of the courts is to enforce it according to its terms.

This court has consistently held that if the statutory terms are unambiguous, the court's review generally ends and the statute is construed according to the plain meaning of its words. See *Rubin v. United States*, 449 U.S. 424, 430, 101 S.Ct. 698, 66, L.Ed. 2d 633(1981) There is no need to go any farther than the term "Counsel." It's meaning prior to the Sixth Amendment meant something other than Attorney at Law. The meaning intended by the adoption of the Sixth Amendment meant something other than Attorney at Law. If section 1654 is to be articulated by the Judicial Act of 1789 then section 1654 omits Attorney at Law.

II

THIS WRIT IS WARRANTED BECAUSE THE CIRCUIT COURTS ARE DIVIDED AS TO THE LEGAL MEANING OF THE TERM "COUNSEL" AS THAT TERM APPEARS IN THE SIXTH AMENDMENT

The Fifth Circuit dealt with this issue in *United States v. Cooper* 493 F.2d 473 (5th Cir.), cert. denied, 419 U.S. 859, 95 S.Ct. 108, 42 L.Ed.2d 93 (1974), where the court stated:

> There is no colorable merit in the proposition that a criminal defendant (especially one who has twice rejected the services of qualified and competent court-appointed counsel) is constitutionally vested with the right of assistance or representation by a lay person.

Cooper, supra at 474.

The same result was reached by the D.C. Circuit in even stronger language in *Harrison v. United States*, 128 U.S.App.D.C. 245, 387 F.2d 203 (1967), rev'd on other grounds, 392 U.S. 219, 88 S.Ct. 2008, 20 L.Ed.2d 1047 (1967):

> It is clear that these demands are not satisfied when the accused is "represented" by a layman masquerading as a qualified attorney; it is unthinkable that so precious a right, or so grave a responsibility, can be entrusted to one who has not been admitted to the practice of the law, no matter how intelligent or well educated he may be.

And the determination that an accused should be allowed to consider someone other than a licenced Attorney at Law was clearly stated in *United States v. Whitesel*, 543 F.2d 1176 (6th Cir. 1976):

> But for a District Judge to exercise his discretion to allow a person to try a case who was not a member of the bar of the court and who had not qualified by taking the required examination, would at a minimum require a showing that such person was sufficiently learned in the law to be able adequately to represent his client in court.

Petitioner has demonstrated clearly that a division exists and needs to be settled. What the Sixth Amendment means was not intended to be left up to a District Court's discretion or licenced Attorneys at Law. It was designed to avoid the treatment the Colonist received in the then not so distant past.

III

THIS PETITION SHOULD BE GRANTED BECAUSE BOTH THE DISTRICT COURT AND COURT OF APPEALS DETERMINED THAT PETITIONER HAS NO OTHER REMEDY AGAINST MR. LORSON ACCEPT IN THE SUPREME COURT OF THE UNITED STATES AS TO THE MEANING OF THE TERM "COUNSEL."

Petitioner was directed to submit his application to the Admissions Office for the Supreme Court of the United States. Petitioner's application, including money order, was lost somewhere between J. Wood in the Mail Room and Dee Shore in Admissions for Counsel.

Petitioner's application never reached consideration by the Supreme Court of the United States. Petitioner filed for reconsideration after Mr. Lorson informed Petitioner of this procedure. The December 7, 1999 letter from Mr. Lorson was the result. Petitioner attempted to get past Mr. Lorson by filing a Writ of Prohibition/Mandamus with the Supreme Court of the United

States on March 17, 2000. Mr. Lorson directed the Writ not be docketed and returned to Petitioner directing Petitioner to file the action in the United States District Court.

Petitioner is currently involved in a Tort Action against the Supreme Court of the United States for issues surrounding the Court's failure to consider Petitioner's docketed Petitions under rule 15. In that case, Christi Cherry, Legal Assistant, Office of the Legal Counsel, Supreme Court of the United States, admitted in a Declaration that Mail received by the Supreme Court on May 19, 2000, was lost before it was received by its addressee. This Case is Civil Action No. 01-0574 RWR, United States District Court, District of Columbia.

Petitioner did file in the United States District Court and that Court decided that only the Supreme Court could force Mr. Lorson to obey the law. The United States Court of Appeals decided the District Court was correct and that it was "so clear." **App. 1a**

IV

THIS PETITION SHOULD BE GRANTED TO IDENTIFY WHAT THE LEGAL RECOURSE IS FOR A PERSON WRONGED BY A DEPUTY CLERK OF THE SUPREME COURT WHEN SUED FOR ACTIONS TAKEN OUTSIDE HIS OFFICIAL DUTY AND UNDER COLOR OF LEGAL AUTHORITY.

The District Court decided that Appellant alleged Mr. Lorson acted "improperly" by denying "plaintiff's application to be admitted to the bar of the United States Supreme Court. Plaintiff would agree that acting under color of legal authority is "improper."

Mr. Lorson issued a public letter which clearly ignores not only the Sixth Amendment, but the Judicial Act of 1789, current Federal law and the rules of the Supreme Court of the United States.

Is there a difference between a "government official acting under color of legal authority" and a "Supreme Court Chief Deputy Clerk acting under color of legal authority?" Is the deputy clerk a

government official or employee of the government?

No where on the face of his letter does it say "For the Court" or "at the direction of the Court." No Court member wrote this letter. Not one of the 9 Justices told Mr. Lorson to write this Letter. He wrote it ad hoc and on his own because he thought he could get away with it because he is a Licenced Attorney at Law and has a personal bias against this Petitioner and his "Counsel" position.

The District Court places its dismissal erroneously upon the decision held in *Marin v. Suter*, 959 F.2d 339, (D.C. Cir. 1992) wherein this case involved a person's write to have his petition filed with the Court. **App. 4a** A job clearly within the Clerk to police according to the Supreme Court Rule 1. As long as the document complies with the rules the Clerk is duty bound to file and docket it.

However, in Petitioner's case, the issue is totally different. Petitioner did not ask the Clerk to file any Petition according to appeals brought from another Court initially. Petitioner's Application clearly shows Petitioner filed an "Application" to the Supreme Court of the United States. Petitioner then petitioned the Supreme Court to "compel the Chief Deputy Clerk to issue a Certificate...." At no time has the Court even considered Petitioner's application. Mr. Lorson has no authority or protection under any Rule or Statute to be the sole arbitrator of Petitioner's rights. He likewise has no authority to become Petitioner's Supreme Court. Both he did and did so maliciously and with intent to deceive and defraud the rights of Petitioner.

Although it appears the District Court ignored both the laws governing Petitioner's claim as well as the facts in this case, it decided to reject being "mindful, too, as the Supreme Court has instructed, that no complaint may be dismissed for failure to state a claim unless, after patient scrutiny and a liberal reading in the plaintiff's favor, 'it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" *Ray v. Proxmire* 581 F.2d 998 (D.C. Cir. 1978)

The Court of Appeals decision to Summarily Affirm the District Court's decision to dismiss this action clearly accepted that all the facts alleged were true. Given this, the District Court and Court of Appeals decision immunizes Mr. Lorson from 42 U.S.C. § 1983

actions or any other action which could liberally be construed from the set of facts plead by Petitioner within his Complaint. This though is contrary to jurisprudence surrounding section 1983.

What is an action under 42 U.S.C. § 1983? "Title 42 U.S.C. § 1983 provides a cause of action against '[e]very person who, under color of any statute . . . of the District of Columbia . . . subjects, or causes to be subjected, any citizen . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws. . . .' The purpose of § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails." *Carey v. Piphus*, 435 U.S. 247, 254-257 (1978).*Wyatt v. Cole*, 504 U.S. 158, 161 (1992)

Furthermore, this Court rejected the argument that [any] "Act establishes a comprehensive remedial scheme that [that] evidences a congressional intent to foreclose judicial remedies. See *Wilder v. Virginia Hospital Ass'n*, 496 U.S. 498, 508, 110 S.Ct. 2510, 2516, 110 L.Ed.2d 455 (1990). This argument , this court said, "lacks merit." As the Supreme Court noted in Wilder, the District has the burden "to show by express provision or other specific evidence from the statute itself that Congress intended to foreclose" resort to enforcement under section 1983. Id. at 520-21, 110 S.Ct. at 2523. This Court further said "The District has made no such showing; and it cannot because the statutory scheme confers a right of participation on Congress that is not beyond the competence of the judiciary to enforce, as we recognize above in our discussion of equitable discretion." *Bliley v. Kelly*, 23 F.3d 507, 510-11 (D.C. Cir. 1994)

The D.C. Circuit Court has previously held "[I]t is true that section 1983 does not permit suits against legislators acting in their legislative capacity. *Gross v. Winter*, 876 F.2d 165, 169 (D.C.Cir. 1989). This immunity, however, 'protects legislators only in the exercise of legislative functions, not administrative functions.' Id. at 169-70. Here, the Council's duty to transmit its acts to Congress is purely ministerial." *Bliley* @ 511

And finally the Court of Appeals for the District of Columbia in aligning with this Court stated "If his allegations are true, he has

indeed suffered an injury of constitutional dimension. See, e.g., *United States v. Goodwin*, 457 U.S. 368, 372, 102 S.Ct. 2485, 2488, 73 L.Ed.2d 74 (1982) ('[it is] patently unconstitutional [for an official] to pursue a course of action whose objective is to penalize a person's reliance on his legal rights') (quoting *Bordenkircher v. Hayes*, 434 U.S. 357, 363, 98 S.Ct. 663, 668, 54 L.Ed.2d 604 (1978)); *Silver v. Cormier*, 529 F.2d 161, 163 (10th Cir. 1976) (right of access to courts is guaranteed by due process clause; official's action designed to impede that right is actionable under 42 U.S.C. § 1983); *Dellums v. Powell*, 490 F.Supp. 70, 74 (D.D.C. 1980), aff'd, 660 F.2d 802 (D.C.Cir. 1981) (allegation of malicious prosecution undertaken for express purpose of coercing plaintiffs to refrain from exercising constitutional rights states Bivens-type claim); *Jennings v. Shuman*, 567 F.2d 1213, 1220 (3d Cir. 1977) (malicious abuse of process is 'by definition' a denial of due process)." *Martin v. D.C. Metropolitan Police Dept.*, 812 F.2d 1425 (D.C. Cir. 1987)

Mr. Lorson cannot stand at the Supreme Court door and decide whose submissions he likes and whose submission he does not. Furthermore, he cannot bar the door and decide what the Supreme Court (the "Court") would say and decide it for them. Mr. Lorson clearly has a prejudice against Petitioner and that prejudice has been clearly alleged to have violated Petitioner's rights to access to the Courts. *"Dear Mr. Springer:....you have no right to represent, or be of assistance, to another person in a court of the United States....."* **App. 5a**

If Mr. Lorson can decide the rights of persons under the Constitution labeled as a Court Clerk (deputy), then why the need for any Judges? Clerks can just decide on their own what they want to do and that will be the end of it. A new Star Chamber. Since they are performing the duty as a Judge, maybe they deserve Judicial Immunity as other persons who carry out the will of Judges might receive. There is no difference in what Mr. Lorson has done and some one standing at the front Door of any Court and saying you, white person, you can come in. You, Black person, because of your color, I have decided you are not allowed in. Mr. Lorson has discriminated against Petitioner because Petitioner is not a licenced

Attorney at Law. Mr. Lorson has discriminated against Petitioner because he is "counsel" instead of "Attorney at Law." Mr. Lorson has practiced law and this violates his oath of his office.

Petitioner is mindful that Judges rely upon different types of Clerks for many things under the law. Those things are not at issue in this action. Petitioner assures this Court that the only issues in this action are those surrounding Mr. Lorson's treatment of Petitioner and why he singled Petitioner out from every other person seeking what Petitioner has a right to seek..

The decision of the Court of Appeals for the District of Columbia is contrary to decisions of this Court and of their own decisions merit the granting of this Writ.

V

PETITIONER HAS A RIGHT TO ACCESS THIS COURT ACCORDING TO THE SIXTH AMENDMENT AND MR. LORSON PURPOSEFULLY AND UNDER COLOR OF LEGAL AUTHORITY DECIDED OTHERWISE.

"Dear Mr. Springer:

Your petition for a certificate identifying you as a person accepted by this court to be Assistance of Counsel was received December 3, 1999, and is returned.

Only attorneys who are members of the Bar of the highest court of a state may seek admission to the Bar of this Court. This has been the rule of the Court since 1790.

You may represent yourself in any court of the United States, but you have no right to represent, or be of assistance, to another person in a court of the

> United States since you are not a member of the Bar of any court of the United States.
>
> The $ 100 money order was not enclosed with your petition.
>
> By Francis J. Lorson."

Though Mr. Lorson states in his letter that it has been the rule since 1790, he does not cite to any rule in support of his statement. He then decides that Petitioner has "no right" to be "counsel" to any person in any Court of the United States in opposition to Federal Law.

The Judicial Act of 1789 states at Ch. 20, § 35, 1 Stat. 92:

> "Sec. 35. And be it further enacted, That in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such "counsel" **or** "attorneys" at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein."

Petitioner was unable to find any rule in the Supreme Court Rules which regarded the phrase "such counsel," and in fact, both S.Ct. Rule 5 and 6 specifically apply to the "attorneys at law" portion of the Judicial Act of 1789.

Of the two choices then acceptable under federal law, after 1789, was the term "Counsel" appearing both in the Sixth Amendment (1791)(assistance of "Counsel" for his defense) and in 28 U.S.C. § 1654(personally or by "counsel"). Nowhere does the phrase "attorneys at law" appear again in either the Sixth Amendment as well as 28 U.S.C. § 1654.

A. Mr. Lorson not protected by Supreme Court Rules.

Supreme Court Rule 1 states "The Clerk receives documents for filing with the Court and has authority to reject any submitted filing

that does not comply with these rules." Rule 5 of the Supreme Court rules clearly states that "(1) ....must appear to the Court....," and (2) "Each applicant shall file with the Clerk...(2) .....approved by this Court....,"(3) "the Clerk will notify the applicant of acceptance by the Court..... .....admitted in open Court..." No one could dispute that 28 U.S.C. § 1 defines the meaning of the term "Court" along with Article III of the Constitution.

Even so, Mr. Lorson does not direct Petitioner in his letter of December 7, 1999, as to which "rule" of the Supreme Court was he going by. Petitioner has done an exhaustive reading of those rules and finds not one single sentence supporting Mr. Lorson's conclusions. He has been given four years to come up with a rule and thus far none has been forthcoming. Mr Lorson's actions in this regard were arbitrary and capricious.

VI

WHEN PETITIONER IS IN A POSITION TO HELP A CRIMINAL DEFENDANT AND CAN DEMONSTRATE THAT SAID ACCUSED WOULD BE BETTER OFF WITH COUNSEL FROM PETITIONER, RATHER THAN SAID DEFENDANT ACTING AS HIS OWN COUNSEL, AND WHEN HE IS UNWILLING TO PLACE HIS FUTURE LIBERTY INTERESTS IN THE HANDS OF THE PUBLIC DEFENDER'S OFFICE, THE SIXTH AMENDMENT COUNSEL PROVISION MANDATED A CRIMINAL DEFENDANT HAS A RIGHT TO PICK WHO HE CHUSES FOR HIS COUNSEL, OTHER THAN A LICENCED ATTORNEY, AS WELL AS ALLOW PETITIONER TO BE CONSIDERED QUALIFIED AS COUNSEL ALONG WITH SAID DEFENDANT IF THE AFOREMENTIONED IS SATISFIED.

This issue regards the right to chuse who an accused wants whispering in his ear or directing procedure or in some cases conducting a trial. If the accused believes he has a better chance of success with someone other than a licenced Attorney how can the term "Counsel" be defined in such a way as to forbid the accused his choice of Counsel. Simply it can not logically. If the accused is the one that suffers the outcome of a criminal trial then he should be afforded to summons any assistance he thinks would aid him in that endeavor.

Denying an accused a choice of "Counsel" simply because to allow such other Counsel somehow might put "Attorneys at Law" out of business is simply silly.

Yet, what other reason exists. Petitioner is certain that most Attorney's at Law hardly ever consider attempting to comply with the rules of this Court. Your Petitioner has and done it more than once. This Petitioner has met Attorneys at Law who command high figures and do not even know how to turn a computer on or do word searches. Petitioner has even met some licenced Attorneys at Law who claim they never read the Constitution of the United States of America. How could these examples be better suited to "Counsel" the accused over a person not licenced as Attorney at Law but who otherwise knows how the rules work, knows how to follow procedures, can do word searches in a blink of an eye and respects the Constitution as much as this Petitioner does. Simply, it is not logical to say otherwise.

The Judicial Act of 1789, the Sixth Amendment and 28 U.S.C. § 1654 provide that any criminally accused has the right to "counsel" of his chusing. This included persons not licenced to practice as an Attorney at Law. This Court has adopted no rule otherwise and should grant this Writ of Certiorari to settle the issue.

Petitioner is one of these persons.

CONCLUSION

In Conclusion, where Mr. Lorson substituted his will for that of Congress and the Supreme Court of the United States by Judicially intervening the administration of Admissions under the Sixth Amendment as Counsel; and where Petitioner is back where all this began almost four years ago without any remedy otherwise; and because the phrase "Counsel or Attorney at Law" is clearly distinguishable, this case merits plenary consideration on Certiorari.

Respectfully Submitted,

LINDSEY K. SPRINGER
5147 S. Harvard, # 116
Tulsa, Oklahoma 74135
918-748-5539
Counsel of Petitioner

Appendix A - Decision and Order of the United States Court of Appeals for the District of Columbia

Appeal from a final appealable order of the United States District Court for the District of Columbia (Roberts, *Judge*) dismissing Petitioner's Complaint for lack of subject matter jurisdiction.

EDWARD D. ALKALAY, Assistant United States Attorney District of Columbia (KENNETH L WAINSTEIN, United States Attorney, Washington D.C.), MARK E. NAGLE, Assistant U.S. Attorney District of Columbia on the brief), for Appellee.

LINDSEY K SPRINGER, Tulsa Oklahoma, Counsel of Appellant.

BEFORE: Ginsburg, Chief Judge, and Edwards and Tatel, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, and the opposition there to, it is

ORDERED that the motion for summary affirmance be granted. The Merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F. 2d 2945, 297(D.C. Cir. 1987)(per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir.)(per curiam), cert denied, 449 U.S. 994 (1980). Neither the district court nor this court has authority to compel the Clerk of the Supreme Court to take any action. See Marin v. Suter, 956 f. 2d 339 (D.C. Cir. 1992)(per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold the issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P.41(b); D.C. Cir. Rule 41.

Per Curiam
Initials unreadable

Appendix B - Order of the United States Court of Appeals for the District of Columbia dated December 4, 2002, denying Petition for Rehearing and Rehearing en banc.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 02-5159

September Term, 2002
00cv01992

Lindsey K. Springer,

Appellant

v.

Filed On: December 4, 2002

Francis J. Lorson,

Appellee

BEFORE: Ginsburg, Chief Judge, and Edwards, Sentelle, Henderson, Randolph, Rogers, Tatel, and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk

By:

Michael C. McGrail
Deputy Clerk

Appendix C - Final Order of the United States District Court for the District of Columbia dated April 30, 2002 dismissing complaint for lack of subject matter jurisdiction.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LINDSEY K. SPRINGER,

Plaintiff, Civil Action No. 00-1992(RWR)

v.

FILED: April 30, 2002

FRANCIS J. LORSON,

Defendant.

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED that plaintiff's Motion for Default Judgment be, and hereby is DENIED. It is further

ORDERED that plaintiff's Motion to Strike the defendant's Motion to Dismiss be, and hereby is, DENIED. It is further

ORDERED that plaintiff's Motion to Strike Defendant's Reply for Sanctions be, and hereby is DENIED. It is further

ORDERED that defendant's Motion to Dismiss and Motion to Vacate the Order of Default Entered by the Clerk of Court be and hereby is, GRANTED. Default is hereby VACATED and this action is DISMISSED with prejudice.

This is a final appealable order.

SIGNED this 29th day of April, 2002

RICHARD W. ROBERTS
United States District Judge

Appendix D - Memorandum opinion of the United States District Court for the District of Columbia in support of its order dismissing complaint for lack of subject matter jurisdiction.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LINDSEY K. SPRINGER,

Plaintiff, Civil Action No. 00-1992(RWR)

v.

FILED: April 30, 2002

FRANCIS J. LORSON,

Defendant.

MEMORANDUM OPINION

Plaintiff, proceeding pro se, brought this action against Francis J. Lorson, the Chief Deputy Clerk of the United States Supreme Court, alleging that Lorson improperly denied plaintiff's application to be admitted to the bar of the United States Supreme Court. Plaintiff asks that the District Court order the Clerk of the Supreme Court to approve his application for admission to the bar of the Supreme Court, despite the fact that plaintiff is not a lawyer. The defendant has moved to dismiss the complaint. Because this Court lacks subject matter jurisdiction over plaintiff's claims, defendant's motion to dismiss will be granted.

A district court has no authority to compel the Clerk of the Supreme Court to take any action. Marin v. Suter, 956 F.2d 339(D.C. Cir. 1992)(dismissing complaint and petition for mandamus against clerk of United States Supreme Court). The Supreme Court's supervisory power over its clerk is exclusive to the Supreme Court and neither a district court nor a circuit court of appeals possesses jurisdiction to order the Supreme Court Clerk, by mandamus or otherwise, to perform a specific act. Marin, 956, F.2d at 340(citing Borntrager v. Stevas 772 F.2d 419 (8th Cir. 1985), cert

denied, 474 U.S. 1008(1985). Accordingly, this court lacks subject matter jurisdiction over plaintiff's claim.

Because this court lacks subject matter jurisdiction over the plaintiff's claims, the defendant's motion to dismiss and to vacate the entry of default judgment will be granted. In addition, the plaintiff's motion for default judgment, to strike defendant's motion to dismiss, and to strike defendant's reply to its motion to dismiss and for sanctions will be denied. A final Order accompanies this Memorandum Opinion.

SIGNED this 29th day of April, 2002

RICHARD W. ROBERTS
United States District Judge.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON D.C.20543-001

December 7, 1999

Mr. Lindsey K. Springer
5147 S. Harvard, Suite 116
Tulsa, Ok 74135

Dear Mr. Springer:

Your petition for a certificate identifying you as a person accepted by this court to be Assistance of Counsel was received December 3, 1999, and is returned.

Only attorneys who are members of the Bar of the highest court of a state may seek admission to the Bar of this Court. This has been the rule of the Court since 1790.

You may represent yourself in any court of the United States, but you have no right to represent, or be of assistance, to another person in a court of the United States since you are not a member of the Bar of any court of the United States.

The $ 100 money order was not enclosed with your petition.

Sincerely Yours,
WILLIAM K. SUTER

By Francis J. Lorson.
Chief Deputy Clerk